

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

116

**CRWP-2148-2021
Date of decision: 03.03.2021**

Nasima and anotherPetitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Balraj Singh Dhull, Advocate for the petitioners.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner No.1, a muslim aged about 18 years and petitioner No.2, a Hindu aged about 25 years, have approached this Court seeking protection of their life and liberty on the averments that the petitioners, being major, performed marriage on 15.01.2021 at Shiv Mandir, Village Durana, as per Hindu rites and ceremonies against the wishes of respondent No.4 and the petitioners are apprehending threat to their life and liberty at their instance.

In support of the averments made in the petition, the petitioners have also enclosed photographs taken at the time of their marriage.

Notice of motion restricted to respondents No.1 to 3 only.

Pursuant to supply of advance copy, Mr. Ranvir Singh Arya, Addl. A.G., Haryana has appeared and accepted notice on behalf of respondents No.1 to 3.

Learned Counsel for the petitioners states that representation dated 05.02.2021 (Annexure P-4) was made to the Superintendent of Police, Ambala City seeking necessary protection but no action has been taken so far in the matter and prays for issuance of direction in this regard.

Learned State counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

In the present case, petitioner No.1, who is Muslim, performed marriage with petitioner No.2 in accordance with Hindu

rites and ceremonies, which will, prima facie, be not valid as admittedly petitioner No.1 did not convert to Hindu religion before solemnization of marriage in accordance with Hindu rites and ceremonies. However, petitioner No.1 being major is entitled to live with a person and at a place of her choice and both the petitioners will be entitled to live in live-in-relationship in the nature of marriage and also to protection of their life and liberty. For judicial precedent in this regard reference may be made to judgment of Hon'ble Supreme Court in *Nandakumar and another Vs. State of Kerala and others : 2018(2) RCR (Civil) 899*.

Accordingly, the petition is disposed of with the directions to respondent No.2-Superintendent of Police, Ambala City to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (Annexure P-4) and take appropriate action for protection of their life and liberty as may be warranted by the circumstances.

However, it is clarified that in case any criminal case has been/is registered against petitioner No.2, then nothing in this order shall be construed as a bar for taking of appropriate action by the police authorities against him in respect thereof in accordance with law.

The Registry of this Court is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2- Superintendent of Police, Ambala City for requisite compliance.

03.03.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No